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10 Attorneys for Plaintiff

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,) CR No. 08-824 WHA
15 Plaintiff,) STIPULATION AND [PROPOSED] ORDER
16 v.) EXCLUDING TIME UNDER 18 U.S.C. § 3161
17 JOSE HERNANDEZ-MONTOYA,)
a/k/a JOSE LUIS HERNANDEZ,)
18)
19 Defendant.)
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21 On November 14, 2008, the parties appeared before the Court for the defendant's
22 arraignment. At that time, the parties requested, and the Court agreed, to exclude all time under
23 the Speedy Trial Act starting November 14, 2008 through November 25, 2008. The parties
24 represented that granting the continuance was the reasonable time necessary for continuity of
25 defense counsel. 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice
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1 served by granting such a continuance outweighed the best interests of the public and the
2 defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

3 SO STIPULATED:

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5 JOSEPH P. RUSSONIELLO
United States Attorney

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7 DATED: November 17, 2008

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10 /s/
TAREK J. HELOU
Assistant United States Attorney

11 DATED: November 17, 2008

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13 /s/
JODI LINKER
Attorney for Defendant JOSE HERNANDEZ-MONTOYA

14 For the reasons stated above, the Court finds that exclusion of time starting November
15 14, 2008 through November 25, 2008 is warranted and that the ends of justice served by the
16 continuance outweigh the best interests of the public and the defendant in a speedy trial. 18
17 U.S.C. § 3161 (h)(8)(A). The failure to grant the requested continuance would deny the
18 defendant continuity of counsel, and would result in a miscarriage of justice. 18 U.S.C. §
19 3161(h)(8)(B)(iv).

20 SO ORDERED.

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22 DATED: November 17, 2008

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THE HONORABLE BERNARD ZIMMERMAN
United States Magistrate Judge